

# **NEW JERSEY DEPARTMENT OF HUMAN SERVICES**

## **Division of Mental Health and Addiction Services**

### **Request for Proposals (RFP)**

#### **One-Time Start-Up Funds for Drug Court: Long-Term, Short-Term and Halfway House Substance Abuse Treatment Services**

**Proposal Due: October 7, 2013**

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Date of Issuance: August 20, 2013

## **Table of Contents**

Agency	1
Purpose of Announcement	1
Background	1
Who Can Apply	2
RFP Package	3
How to Get a RFP Package	3
Due Date	3
Where to Send Proposal	4
Mandatory Bidders Conference/Contacts for Further Information	4
Contract Overview/Expectations	5
General Contracting Information	5
Proposal Requirements and Scoring	7
Required Documentation	10
Review and Award Information	11
Post Award Requirements	12
Attachments	
1 - Addendum to RFP for Social Service and Training Contracts	15
2 - Department of Human Services Statement of Assurances	17
3 - Certification Regarding Debarment	19
4 - Annex B-Schedule 4	22

## **Agency**

The New Jersey Department of Human Services (DHS), Division of Mental Health and Addiction Services (DMHAS) is pleased to release this Request for Proposals (RFP) for Long-Term Residential (LTR), Short-Term Residential (STR) and Halfway House (HWH) start-up funds to build new capacity to meet the needs of the Phase 2 Drug Court expansion.

## **Purpose of this Announcement**

DMHAS is soliciting proposals to provide LTR, STR and HWH treatment services for Drug Court participants. Since these awards are meant to build capacity and not repurpose existing capacity, DMHAS is looking for those residential providers who have had previously licensed or licensable beds, have current licensed but not obligated capacity or who will obtain a Department of Human Services (DHS) substance abuse license by the negotiated fee-for-service (FFS) billing date to apply. The total state allocation for the treatment services in Drug Court are approximately \$33 million. This RFP is for approximately \$2.9 million in one-time dollars for start-up costs such as recruitment and hiring of staff, securing equipment and minor renovation or refurbishing costs. Utilizing SFY12 Drug Court treatment data, it was projected that an additional 179 residential beds are needed in order to meet the treatment needs of approximately 620 additional Drug Court participants expected to enter treatment as the result of mandatory Drug Court. The breakdown of the 179 beds is as follows: 90 LTR, 76 HWH, and 13 STR beds.

This opportunity is open to all residential and halfway house facilities licensed to provide substance abuse treatment services or who will be licensed by the negotiated fee-for-service billing date. If you are not already an approved Drug Court provider you will need to become an approved provider prior to admitting Drug Court clients. Agencies proposing to provide the same level of care but at multiple DMHAS licensed sites may submit one proposal which identifies the number of slotted services requested per licensed site. Agencies proposing to provide multiple levels of care can submit one proposal which clearly delineates each level of care in separate sections including budget summaries for each level of care.

## **Background**

The Drug Court expansion was enacted in July 2012 with the Governor's Office ensuring implementation of the Drug Court expansion in P.L. 2012, c.23 and the legislature passing S881. The implementation of the Drug Court expansion requires a two phase process; Phase 1 which began January 1, 2013 expanded the legal eligibility to include second degree burglary and robbery and Phase 2 which allows for mandatory Drug Court sentences. Phase 2 implementation begins July 1, 2013 and establishes three pilot vicinages in five counties: Vicinage 14: Ocean County, Vicinage 13:

Hunterdon, Somerset and Warren Counties and Vicinage 6: Hudson County. It is estimated that the Phase 2 Drug Court expansion will yield an estimated 620 additional Drug Court participants needing access to the DMHAS' substance abuse treatment delivery system. Given the existing demand for substance abuse treatment, additional capacity will be needed in order to address the influx of these new Drug Court clients.

## **Who Can Apply?**

This opportunity is open to all fiscally viable residential and halfway house facilities licensed to provide substance abuse treatment services or who will obtain a DHS substance abuse license by the award date. Applicants may apply for any of the available funds and eligibility is open to either public or private for-profit or non-profit corporations or a government entity:

1. that have had previously DHS licensed or licensable beds, current licensed but not obligated capacity or who will obtain a license by the negotiated FFS billing date to provide substance abuse treatment in the modality for which they are applying.
2. Non-public applicants must demonstrate that they are incorporated through the New Jersey Department of State; and provide documentation of their current non-profit status, if non-profit.
3. Government entity must be a corporation duly registered to conduct business in the State of New Jersey
4. All New Jersey and out of State Corporations must obtain a Business Registration Certificate (BRC) from the Department of the Treasury, Division of Revenue prior to conducting business in the State of New Jersey. Proof of valid business registration with the Division of Revenue, Department of the Treasury, State of New Jersey, shall be submitted by the bidder and, if applicable, by every subcontractor of the bidder, with the bidder's bid. No contract will be awarded without proof of business registration with the Division of Revenue. Any questions in this regard can be directed to the Division of Revenue at (609) 292-1730. Form NJ-REG. can be filed online at [www.state.nj.us/njbgs/services.html](http://www.state.nj.us/njbgs/services.html)
5. Before performing work under the contract, all sub-contractors of the contractor must provide to the contractor proof of New Jersey business registration. The contractor shall forward the business registration documents on to the using agency.
6. Applicants must not be suspended or debarred by DMHAS or any other State or Federal entity from receiving funds.
7. Applicants must have all outstanding Plans of Correction (POC) for deficiencies submitted to DMHAS prior to submission of a proposal in response to this RFP.
8. Applicants must agree to additional Drug Court Initiative specific requirements which are outlined in the Annex A that will be disseminated at the Mandatory Bidders' Conference.
9. Applicants must have a governing body that provides oversight as is legally permitted. No member of the Board of Directors can be employed by and serve as a consultant for the successful applicant.

NOTE: If, at the time of receipt of the proposal, the applicant does not comply with this standard, the applicant must submit evidence that it has begun to modify its structure and that the requirement will be met by the time the contract is executed. *If this required organizational structure is not in place before the start date, the contract will not be executed and the funding will be waived.*

10. Applicants must also attend the Mandatory Bidders' Conference on September 9, 2013.

## **RFP Package**

DMHAS RFP package includes the following:

- RFP, including narrative instructions for this specific contract
- DMHAS Contract Application
- Attachments

## **How to Get a RFP Package**

- Contact Helen Staton at:  
Division of Mental Health and Addiction Services  
New Jersey Department of Human Services  
222 South Warren Street  
PO Box 700  
Trenton, NJ 08625-0700  
[helen.staton@dhs.state.nj.us](mailto:helen.staton@dhs.state.nj.us)  
609-633-8781
- Download RFP from the DHS website at  
<http://www.state.nj.us/humanservices/providers/grants/rfprfi/>
- Download the contract application forms from the DMHAS website at  
<http://www.state.nj.us/humanservices/das/information/contracts/>.
- Attend the Mandatory Bidders' Conference.

## **Due Date**

Proposals must be received at DMHAS by October 7, 2013 at 5:00 p.m. and include one signed original and five (5) copies. Faxed or electronic proposals, as well as those received after the deadline, will not be reviewed.

## **Where to Send Proposals**

Send the signed original and 5 copies of your proposal to:

For United States Postal Service, please address to:

Helen Staton  
Division of Mental Health and Addiction Services  
New Jersey Department of Human Services  
222 South Warren Street  
PO Box 700  
Trenton, NJ 08625  
609-633-8781

For FedEx, UPS, other courier service or hand delivery, please address to:

Helen Staton  
Division of Mental Health and Addiction Services  
New Jersey Department of Human Services  
222 South Warren Street, PO Box 700  
Trenton, NJ **08608**  
609-633-8781

Please note that if you send your proposal package through United States Postal Service two-day priority mail delivery to the P.O. Box, your package may not arrive in two days. In order to meet the deadline, please send your package earlier than two days before the deadline or use a private carrier's overnight delivery to the street address.

You will NOT be notified that your package has been received. If you require a phone number for delivery, you may use 609-633-8781

## **Mandatory Bidders' Conference/Contacts for Further Information**

A Mandatory Bidders' Conference will be held in the first floor conference room at 10:00 a.m. on September 9, 2013, at DHS, located at 222 South Warren Street in Trenton. This conference will provide applicants the only opportunity to ask questions about the RFP requirements or the award process. At no other time will DMHAS staff answer substantive questions. This is necessary to ensure that all potential applicants will have equal access to information. Applicants are requested to notify Helen Staton by email at [helen.staton@dhs.state.nj.us](mailto:helen.staton@dhs.state.nj.us) of their intent to attend the Mandatory Bidders' Conference. The meeting room and facility will be accessible to individuals with physical disabilities. In addition, anyone who may require other special accommodations should notify Helen Staton when registering. For sign language interpretation, please notify Helen Staton by September 2, 2013. Once reserved, a

minimum of 48 hours is necessary to cancel this service, or else the cost will be billed to the requestor.

Applicants are guided to rely upon the information in this RFP and the details provided at the Mandatory Bidders' Conference to develop their proposals. Substantive questions regarding intent or allowable responses to the RFP, outside the Mandatory Bidders' Conference, will not be answered individually. Any necessary response to questions posed by a potential applicant during the Mandatory Bidders' Conference that cannot be answered at that time will be furnished in writing to all potential applicants registered as being in attendance. Specific guidance will not be provided to individual applicants at any time.

## **Contract Overview/Expectations**

Any agency holding both a FFS Drug Court exclusive contract, a slot based Drug Court contract or a FFS Drug Court contract must ensure that they have sufficient capacity in their agency both in terms of licensed beds and adherence to staff client ratio regulatory requirements. In addition, Drug Court clients must first be placed in contracted slotted beds, then in the exclusive FFS Drug Court beds before an agency can bill FFS for Drug Court clients.

## **General Contracting Information**

The Department reserves the right to reject any and all proposals when circumstances indicate that it is in its best interest to do so. The Department's best interests in this context include, but are not limited to: State loss of funding for the contract, insufficient infrastructure agency wide, inability of the applicant to provide adequate services, indication of misrepresentation of information and/or non-compliance with any existing Department contracts and procedures or State and/or Federal laws and regulations.

All applicants will be notified in writing of the State's intent to award a contract. All proposals are considered public information and as such will be made available upon request after the completion of the RFP process.

All applicants will be required to comply with the Affirmative Action requirements of P.L. 1975 c. 127 (N.J.A.C. 17:27), Executive Order 117 (formerly P. L. 2005, c.51) and N.J.S.A. 52:34-13-2 Source Disclosure Certification (replaces Executive Order 129).

Proposals must include a Statement of Assurances, signed by the Chief Executive Officer or equivalent, as well as a signed debarment certification statement that the applicant is not debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from local, State or Federal funded contracts.

Awardees will be required to comply with the DHS contracting rules and regulations, including the Standard Language Document, the Department of Human Services

Contract Reimbursement Manual, and the Contract Policy and Information Manual. A list of depository libraries where applicants may review the manuals can be found on the internet at [http://www.njstatelib.org/NJ\\_Information/NJ\\_by\\_Topic/NJ\\_Depositories.php](http://www.njstatelib.org/NJ_Information/NJ_by_Topic/NJ_Depositories.php). Additionally, manuals may be downloaded from the DHS website of the Office of Contract Policy and Management (OCPM) at <http://www.state.nj.us/humanservices/ocpm/home/resources/>. The link for the DHS contract manuals is on the left. The awardees will be required to negotiate contracts with DHS/DMHAS upon award, and may also be subject to a pre-award audit survey.

Funding will be available for multiple awards. Applicants should submit reasonable budgets based on the type of service(s) proposed. DMHAS recommends applicants are thorough in their budget request to meet the requirements of this RFP. Budgets should reflect the scope of responsibilities in order to accomplish the goals of this project.

The awards will be announced on November 4, 2013 with a contract start date of December 1, 2013. Certain expenses incurred by successful applicants during the phase-in period after selection, but prior to the effective date of the contract, may be reimbursed upon approval.

Funds may only be used to support services that are specific to this award; hence, this funding may not be used to supplant or duplicate existing funding streams.

All application and expenditure data pertaining to these contract funds must be independent of any other DMHAS or non-DMHAS funded program of the applicant/contractee. Award(s) under this RFP will be clustered separately from other existing components for contract application and reporting.

Contractees are expected to adhere to the Department's contracting policies and procedures, including all applicable State and Federal cost principles. Budgets should be reasonable and reflect the scope of responsibilities in order to accomplish the goals of this project.

After awards are announced individual provider negotiations will be made to amend or establish fee-for-service contracts within the awarded ceiling. Awardees will continue to reserve these beds **exclusively** for Drug Court clients and will be compensated for services rendered at the existing fee-for-service rates.

Agencies awarded funds through this RFP must have in place established, facility-wide policies which prohibit discrimination against clients of substance abuse prevention, treatment and recovery support services who are assisted in their prevention, treatment and/or recovery from substance addiction with legitimately prescribed medication/s. These policies must be in writing in a visible, legible and clear posting at a common location which is accessible to all who enter the facility.

Moreover, no client who is admitted into a treatment facility, or a recipient of or participant in any prevention, treatment or recovery support services, shall be denied full



access to, participation in and enjoyment of that program, service or activity available, or offered to others, due to the use of legitimately prescribed medications.

The capacity to accommodate clients who present or are referred with legitimately prescribed medications can be accomplished either through direct provision of services associated with the provision or dispensing of medications and or via development of viable networks/referrals/consultancies/sub-contracting with those who are licensed and otherwise qualified to provide medications.

Applicants will be required to complete mandatory reports, as needed.

An appeal based on the determination may be filed in writing to the DMHAS Assistant Commissioner within seven calendar days following receipt of the notification. An appeal of the selection process shall be heard only if it is alleged that the Division has violated a statutory or regulatory provision in the awarding of the contract. An appeal will not be heard based upon a challenge to the evaluation of a proposal. Appeals of any award determinations may be made only by the respondents to this proposal. The written request must clearly set forth the basis for the appeal.

Appeal correspondence should be addressed to:

Lynn Kovich, Assistant Commissioner  
Division of Mental Health and Addiction Services  
222 South Warren Street, PO Box 700  
Trenton, New Jersey 08625-0700

Please note that all costs incurred in connection with any appeals of DMHAS decisions are considered unallowable costs for purposes of DMHAS contract funding. The DMHAS will review any appeals and render final funding decisions by November 29, 2013. Awards will not be considered final until all timely appeals have been reviewed and final decisions rendered.

## **Proposal Requirements and Scoring**

Applicants must provide a written description of the proposed services. The narrative portion should be single-spaced, no smaller than 12 point font, not exceed 25 pages, and be organized in the order of the key concepts outlined below. Items included in the Appendices do not count towards the narrative page limit. Please number all pages of each proposal consecutively including the appendices (except IRS Form 990 and single audit report). Funding decisions will be based on such factors as the scope and quality of the proposal and appropriateness and reasonableness of the budget. The Review Committee will also be looking for evidence of cultural competence in each section of the narrative. The Review Committee may choose to visit any applicants' existing program(s) and/or review any programmatic or fiscal documents in the possession of DMHAS. Any disciplinary action in the past must be revealed and fully explained. **The following are KEY CONCEPTS that must be addressed in the proposal narrative.**

**The number after the key concepts is the weight given to each section of the proposal by the Review committee.**

*History and Experience -10 Points*

Provide a brief narrative describing your agency's history, its primary purpose, target population and the number of years of experience and success with substance use disorder treatment services. How does your agency's experience and success demonstrate your ability to provide appropriate treatment services including co-occurring services to Drug Court participants? How do you address criminal thinking in participants? Explain your familiarity with and ability to implement "Thinking for a Change" or any other evidenced-based practices for addressing criminal thinking. What is your agency's experience, if any, working with the teams in the Drug Court vicinages?

If currently funded by DMHAS, has any disciplinary action been taken against your agency in the past five years? If so, please explain and include documentation as an Appendix. Has your agency ever been debarred by any State, Federal or local government agency? If so, please explain and include documentation as an Appendix. Describe any active litigation in which your agency is involved. Also, describe any pending litigation of which your agency has been notified.

*Level(s) of Care-10 Points*

Provide the level(s) of care and number of beds that you will be licensing or currently have licensed for the Drug Court capacity expansion to be used **exclusively** for Drug Court clients through the course of this award and going forward.

*Assurance Statement-10 Points*

Provide an assurance statement that these beds are **new bed capacity** and not repurposed bed capacity.

*Capacity Expansion Plan and Timeline-30 Points*

Submit a detailed written plan and timeline for bringing online previously licensed or licensable beds, currently licensed beds, but not obligated capacity or who will be licensed by the negotiated fee-for-service billing date including, but not limited to staff, equipment, and minor renovations.

*Staff Hiring Timeline-15 Points*

Describe the number of key personnel who will be involved in this contract, their qualifications, experience providing substance use disorder treatment and timeline for hiring.

Provide a list of your board members, their professional licenses and their organizational affiliations. Specifically identify whether any board member is also an employee of the agency applying for this funding or an employee of a Parent company affiliated with the applicant agency (if applicable). Indicate if the Board of Directors votes on items relating to DMHAS contracts.

Provide a list of names of your consultants or the consultants that your agency plans on utilizing for this RFP, including their professional licenses and organizational affiliations. Identify whether any of these consultants are also board members, identify any reimbursement the member received as a board member over the last 12 months and indicate which members are voting members.

### Cultural Competency-15 Points

Services must be provided in a culturally competent fashion. Applicant must demonstrate their ability to serve individuals for whom English is not their primary or preferred language. Include if applicant will hire bi-lingual/ bi-cultural staff to facilitate increased access to services, what languages staff will be proficient in and how the organization determines proficiency. Specify if interpreters and/ or translation services will be made available, as necessary.

### Budget - 30 Points

Submit a budget for Drug Court expansion project expenses including, but not limited to, recruitment and hiring of staff, equipment costs, and minor renovations or refurbishing of existing space utilizing Application for Contract Funds. Please ensure that the budget narrative contains adequate detail to determine the purpose and necessity of the budgeted line items.

Describe the kinds of electronic reports that the agency files externally and the frequency (quarterly, monthly) of submitting these reports. Identify the software programs that are utilized for financial reporting, and identify fiscal staff responsible for administering the program. Identify all agencies, including Medicaid, that are billed electronically.

If any current and/or former paid employees and/or board members actively participate in lobbying activities, identify and detail any of the costs allocated to any state contracts. If the agency has any paid registered lobbyists, identify and detail any of the costs allocated to your DMHAS budget proposal.

Provide the amount of your agency's line of credit. Identify what organization provides the line of credit. Define the maximum amount that the agency has borrowed in the last 12 months. Describe its purpose and explain if it is expected to continue for the next 12 months.

If there are any audits, other than the required single audit, pending or in progress,

detail who requested the audit, the firm's name and telephone number, and the type of audit it is.

## **Required Documentation**

Applicants responding to this RFP shall submit their application organized in the following manner:

### **Part I -**

1. Cover letter
2. Narrative in response to the Proposal Requirements including budget submitted utilizing Application for Contract Funds
3. Two (2) original signed Standard Language Documents
4. Board Resolution Validation Form

### **Part II - Appendices** – Items to be included to augment and support your proposal:

1. Agency Information
  - a. Copy of DMHAS license(s) for all sites;
  - b. Copy of a Certificate of Incorporation in New Jersey;
  - c. Evidence of the applicant's non-profit status, if non-profit entity;
  - d. If applicant is a government entity, must provide evidence they are a corporation duly registered to conduct business in the State of NJ.
  - e. Agency mission statement;
  - f. Job descriptions of key personnel and resumes (limited to two pages each) of staff for proposed program;
  - g. Current salary ranges, if not included in the job descriptions;
  - h. Organizational chart;
  - i. Documentation of agency's prior disciplinary action, if any;
2. Fiscal Documentation
  - a. List of current members of the Board of Directors and officers, including their titles and terms of service (Complete utilizing the budget forms located in the DMHAS Application for Contract Funds);
  - b. Most recent and previous single audit report (A133) or certified statements by independent auditor(only two copies to be included with original proposal);
  - c. Any other audits performed in the last two years (*submit only two copies to be included with original proposal*);
  - d. If there are any audits pending or in progress, list the firm completing this audit(s), contact name and telephone number;
  - e. Most recent IRS Form 990/IRS Form 1120, and Pension Form 5500, if applicable (*submit only two copies to be included with original proposal*);
  - f. List of all contracts and grants to be awarded to the agency by the Federal, State, local government or a private agency during the contract term, including awarding agency name, amount, period of performance, and purpose of the contract/grant, as well as a contact name for each

- award and the phone number;
- g. Affirmative Action Certificate of Employee Information Report and /or newly completed AA 302 form;
- h. N.J.S.A. 52:34-13-2 Source Disclosure Certification Form
- i. Schedule 4 (attached to the RFP)
- j. Department of Human Services Statement of Assurances (attached to the RFP);
- k. Certification Regarding Debarment, Suspension, Ineligibility (attached to the RFP)
- l. List of the names and addresses of those entities providing support and/or money to help fund the program for which the proposal is being made, including the funding amount.

## **Review and Award Information**

### **A) Schedule**

The following summarizes the application schedule:

August 21, 2013	Notice of availability of funds
September 9, 2013	Mandatory Bidders' Conference
October 7, 2013	Deadline for receipt of proposals - no later than 5:00 P.M
November 4, 2013	Award announcement
November 29, 2013	Final Date of Appeals Decision
December 1, 2013	Award start date

### **B) Screening for Eligibility, Conformity and Completeness**

DMHAS staff will screen proposals for eligibility and conformity with the specifications in this RFP. The initial screen will be conducted to determine whether or not the proposal is eligible for review. To be eligible for review by the Committee, staff will verify with the proper authority and through a preliminary review of the proposal that:

1. the applicant is in good standing and not debarred or suspended by DHS or any other State or Federal entity from receiving funding;
2. the applicant is incorporated in the State of New Jersey;
3. the applicant is a for profit, non-profit organization or government entity;
4. the proposal is complete; and
5. All outstanding POC's have been submitted to DMHAS, if applicable.
6. The applicant does not have a "going concern" issue identified in the most recent single agency audit report (A133) or certified statements by an independent auditor.

Those proposals that fail this eligibility screen will not be reviewed. Those proposals found eligible for review will be distributed to the Review Committee as described below.

### **C) Review Committee**

DMHAS will convene a committee consisting of public employees that include Administrative Office of the Court/ Drug Court representatives who will conduct a review of each proposal, in accordance with the review criteria. Committee members may be unfamiliar with some or all of the applicants. All potential reviewers will complete conflict of interest forms. Those with conflicts or the appearance of conflicts will be disqualified from participating in the review.

The Review Committee will have sole authority to determine the outcome of the review. The Committee will score proposals and recommend for funding in the priority order of the scores (highest score = most highly recommended). The Review Committee reserves the right to request applicants to present their proposals in person prior to final scoring.

The review will be conducted according to the criteria below.

### **D) Review Criteria**

Funding decisions will be based on such factors as the scope and quality of the proposal and appropriateness and reasonableness of the budget. The Review Committee may choose to visit any applicants' existing program(s) and/or review any programmatic or fiscal documents in the possession of DMHAS. Any disciplinary action in the past must be revealed and fully explained.

Applicants may also be required to provide additional information or make oral presentations to the Review Committee in order to clarify or elaborate on elements of their proposals.

A minimum score of 84 points must be achieved in order to be considered for funding.

### **E) Funding Recommendations**

The Chair of the Review Committee will convey the recommendations of the Review Committee to the Assistant Commissioner of DMHAS, who will make the final decision on the awards.

Applicants are advised that awards may be made conditional upon changes suggested by the Review Committee and/or DMHAS staff. The requested changes, along with their requested implementation dates, will be communicated to the prospective awardees prior to award.

## **Post Award Requirements**

### **A) Documentation**

Upon award announcement, the successful applicant must submit one copy of the following documentation (if not already submitted with the proposal) in order to process the contract in a timely manner:

1. Proof of insurance naming the State of New Jersey, Department of Human Services, Division of Mental Health and Addiction Services, PO Box 700, Trenton, NJ 08625-0362 as an additional insured;
2. Board Resolution authorizing who is approved for entering into a contract and signing related contract documents;
3. Department of Human Services Standard Language Document;
4. Current Agency By-laws;
5. Current Personnel Manual or Employee Handbook;
6. Copy of Lease or Mortgage;
7. Certificate of Incorporation;
8. Conflict of Interest Policy;
9. Affirmative Action Policy;
10. Affirmative Action Certificate of Employee Information Report and/or newly completed AA 302 form (AA Certificate must be submitted within 60 days of submitting completed AA302 form to Office of Contract Compliance);
11. A copy of all applicable licenses;
12. Local Certificates of Occupancy;
13. Most recent State of New Jersey Business Registration;
14. Procurement Policy;
15. Current Equipment inventory of items purchased with DHS funds (Note: the inventory shall include: a description of the item, a State identifying number or code, original date of purchase, date of receipt, location at the Provider Agency, person(s) assigned to the equipment, etc.);
16. All Subcontracts or Consultant Agreements, related to the DHS Contracts, signed and dated by both parties;
17. Business Associate Agreement (BAA) for Health Insurance Portability Accountability Act of 1996 compliance, if applicable, signed and dated;
18. Updated single audit report (A133) or certified statements by independent auditor, if differs from one submitted with proposal;
19. Updated IRS Form 990, if differs from one submitted with proposal;
20. Updated Pension Form 5500, if applicable, if differs from one submitted with proposal;
21. Copy of Annual Report;
22. Department of Human Services Statement of Assurances (attached to this RFP);
23. Source Disclosure Certification Form (replaces Executive Order 129 form); and
24. Certification Regarding Debarment, Suspension, ineligibility (attached to this RFP).

## **B) Award Requirements**

Awardees must adhere to the following:

1. Enter into a contract with DMHAS and comply with applicable contracting rules and regulations, including the Standard Language Document;
2. Comply with all applicable State and Federal assurances, certifications and regulations regarding the use of these funds;
3. Inform the Program Management Officer of any publications/publicity based on the award;
4. Comply with all appropriate State licensure regulations; and
5. Comply with Americans with Disabilities Act requirements.



**STATE OF NEW JERSEY  
DEPARTMENT OF HUMAN SERVICES**

**ADDENDUM TO REQUEST FOR PROPOSAL  
FOR SOCIAL SERVICE AND TRAINING CONTRACTS**

Executive Order No. 189 establishes the expected standard of responsibility for all parties that enter into a contract with the State of New Jersey. All such parties must meet a standard of responsibility which assures the State and its citizens that such parties will compete and perform honestly in their dealings with the State and avoid conflicts of interest.

As used in this document "provider agency" or "provider" means any person, firm, corporation, or other entity or representative or employee thereof which offers or proposes to provide goods or services to or performs any contract for the Department of Human Services.

In compliance with Paragraph 3 of Executive Order No. 189, no provider agency shall pay, offer to pay, or agree to pay, either directly or indirectly, any fee, commission, compensation, gift, gratuity, or other thing of value of any kind to any State officer or employee or special State officer or employee, as defined by N.J.S.A. 52:13D-13b and e, in the Department of the Treasury or any other agency with which such provider agency transacts or offers or proposes to transact business, or to any member of the immediate family, as defined by N.J.S.A. 52:13D-13i, of any such officer or employee, or any partnership, firm, or corporation with which they are employed or associated, or in which such officer or employee has an interest within the meaning of N.J.S.A. 52:13D-13g.

The solicitation of any fee, commission, compensation, gift, gratuity or other thing of value by any State officer or employee or special State officer or employee from any provider agency shall be reported in writing forthwith by the provider agency to the Attorney General and the Executive Commission on Ethical Standards.

No provider agency may, directly or indirectly, undertake any private business, commercial or entrepreneurial relationship with, whether or not pursuant to employment, contract or other agreement, express or implied, or sell any interest in such provider agency to, any State officer or employee or special State officer or employee having any duties or responsibilities in connection with the purchase, acquisition or sale of any property or services by or to any State agency or any instrumentality thereof, or with any person, firm or entity with which he is employed or associated or in which he has an interest within the meaning of N.J.S.A. 52:13D-13g. Any relationships subject to this provision shall be reported in writing forthwith to the Executive Commission on Ethical Standards, which may grant a waiver of this restriction upon application of the State

officer or employee or special State officer or employee upon a finding that the present or proposed relationship does not present the potential, actuality or appearance of a conflict of interest.

No provider agency shall influence, or attempt to influence or cause to be influenced, any State officer or employee or special State officer or employee in his official capacity in any manner which might tend to impair the objectivity or independence of judgment of said officer or employee.

No provider agency shall cause or influence, or attempt to cause or influence, any State officer or employee or special State officer or employee to use, or attempt to use, his official position to secure unwarranted privileges or advantages for the provider agency or any other person.

The provisions cited above shall not be construed to prohibit a State officer or employee or special State officer or employee from receiving gifts from or contracting with provider agencies under the same terms and conditions as are offered or made available to members of the general public subject to any guidelines the Executive Commission on Ethical Standards may promulgate.

**Department of Human Services  
Statement of Assurances**

As the duly authorized Chief Executive Officer/Administrator, I am aware that submission to the Department of Human Services of the accompanying application constitutes the creation of a public document and as such may be made available upon request at the completion of the RFP process. This may include the application, budget, and list of applicants (bidder's list). In addition, I certify that the applicant:

- Has legal authority to apply for the funds made available under the requirements of the RFP, and has the institutional, managerial and financial capacity (including funds sufficient to pay the non Federal/State share of project costs, as appropriate) to ensure proper planning, management and completion of the project described in this application.
- Will give the New Jersey Department of Human Services, or its authorized representatives, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with Generally Accepted Accounting Principles (GAAP). Will give proper notice to the independent auditor that DHS will rely upon the fiscal year end audit report to demonstrate compliance with the terms of the contract.
- Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain. This means that the applicant did not have any involvement in the preparation of the RFP, including development of specifications, requirements, statement of works, or the evaluation of the RFP applications/bids.
- Will comply with all federal and State statutes and regulations relating to non-discrimination. These include but are not limited to: 1.) Title VI of the Civil Rights Act of 1964 (P.L. 88-352; 34 CFR Part 100) which prohibits discrimination on the basis of race, color or national origin; 2.) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794; 34 CFR Part 104), which prohibits discrimination on the basis of handicaps and the Americans with Disabilities Act (ADA), 42 U.S.C. 12101 et. seq.; 3.) Age Discrimination Act of 1975, as amended (42 U.S.C. 6101 et. seq.; 45 CFR part 90), which prohibits discrimination on the basis of age; 4.) P.L. 2975, Chapter 127, of the State of New Jersey (N.J.S.A. 10:5-31 et. seq.) and associated executive orders pertaining to affirmative action and non-discrimination on public contracts; 5.) Federal Equal Employment Opportunities Act; and 6.) Affirmative Action Requirements of PL 1975 c. 127 (NJAC 17:27).
- Will comply with all applicable federal and State laws and regulations.

- Will comply with the Davis-Bacon Act, 40 U.S.C. 276a-276a-5 (29 CFR 5.5) and the New Jersey Prevailing Wage Act, N.J.S.A. 34:11-56.27 et. seq. and all regulations pertaining thereto.
- Is in compliance, for all contracts in excess of \$100,000, with the Byrd Anti-Lobbying amendment, incorporated at Title 31 U.S.C. 1352. This certification extends to all lower tier subcontracts as well.
- Has included a statement of explanation regarding any and all involvement in any litigation, criminal or civil.
- Has signed the certification in compliance with federal Executive Orders 12549 and 12689 and State Executive Order 34 and is not presently debarred, proposed for debarment, declared ineligible, or voluntarily excluded. Will have on file signed certifications for all subcontracted funds.
- Understands that this provider agency is an independent, private employer with all the rights and obligations of such, and is not a political subdivision of the Department of Human Services.
- Understands that unresolved monies owed the Department and/or the State of New Jersey may preclude the receipt of this award.

\_\_\_\_\_  
Applicant Organization

\_\_\_\_\_  
Signature: Chief Executive Officer or Equivalent

\_\_\_\_\_  
Date

\_\_\_\_\_  
Typed Name and Title

6/97

READ THE ATTACHED INSTRUCTIONS BEFORE SIGNING THIS CERTIFICATION.  
THE INSTRUCTIONS ARE AN INTEGRAL PART OF THE CERTIFICATION.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion  
Lower Tier Covered Transactions

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by an Federal department or agency.
2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

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Name and Title of Authorized Representative

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Signature

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Date

This certification is required by the regulations implementing Executive order 12549, Debarment and Suspension, 29 CFR Part 98, Section 98.510

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion  
Lower Tier Covered Transactions

Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of facts upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to whom this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or had become erroneous by reason of changed circumstances.
4. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meaning set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from covered transactions, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Non-procurement Programs.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

## Attachment 4

Schedule 4: Related Organization

Report on this schedule any budgeted or actual purchases from related organizations. A related organization is one under which one party is able to control or influence substantially the actions of the other. Such relationships include but are not limited to those between (1) divisions of an organization; (2) organizations under common control through common officers, directors, or members, and (3) an organization and a director, trustee, officer, or key employee or his/her immediate family, either directly or through corporations, trusts, or similar arrangements in which they hold a controlling interest.

Costs of services, facilities, and supplies furnished by organizations related to the provider agency must not exceed the competitive price of comparable services, facilities, or supplies purchased elsewhere.



Purpose:

☐ Budget Preparation

☐ Expenditure Report

Period Covered: \_\_\_\_\_ to \_\_\_\_\_

[illegible]